

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 9208 of 2007

DATED: 27-04-2007

Between:

Ch.V.Sambasiva Rao

...Petitioner

and

Government of Andhra Pradesh, rep. by it
Secretary, Muncipal Administration,
Hyderabad and another

...Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 9208 of 2007

Oral order:

The petitioner expects a renewal of lease by the 2nd respondent in respect of Sri K.J.Gupta Kalyana Mandapam, K.J.Gupta Colony, Vijayawada. The 2nd respondent-Corporation owns a number of properties in Vijayawada including shopping complexes and Kalyana Mandapams which are leased out. The Kalyana Mandapam aforementioned is one of the properties owned by the 2nd respondent. It was given on lease in favour of the petitioner for a period of three years, from 21-4-2004 to 23-1-2007. The lease in favour of the petitioner has come to an end by 23-1-2007. However, it is stated by the petitioner, the period was extended by 73 days subject to the approval of the Standing committee. The period of 73 days extension has also expired by 6-4-2007.

The petitioner is presently not entitled to continue in the property.

According to the petitioner, the provisions of G.O.Rt.No.535 dated 8-7-1998 are applicable and create a legitimate expectation of the petitioner for consideration of renewal of lease for a period of three years on an 33 1/3 per cent enhancement and for a further three years thereafter on the same terms as in the case of first renewal.

According to the learned Standing counsel for the respondent-Municipality Smt G.Jhansi, G.O.Rt.No.535 is inapplicable as it pertains to shopping complexes where the construction is taken up on good will amount raised through public auction. Sri Satyanarayana Prasad, the learned senior counsel for the petitioner however contends that G.O.Rt.No.535 are general in nature and is equally applicable to the

Kalayana Mandapam in question. It is also contended on behalf of the petitioner that on the basis of G.O.Rt.No.535 other persons who have leases of premises similar in character, have been granted renewal of lease for further terms, but the petitioner alone is discriminated against.

The petitioner made an application for renewal of lease on 29-3-2007. He submitted a reminder on 17-4-2007. The petitioner's grievance is that without considering his application for renewal, the 1st respondent has arbitrarily notified Sri K.J.Gupta Kalyana Mandapam for auction afresh on 19-4-2007 fixing the date of submission of tenders as well as the auction on 29-04-2007.

In view of the rival submissions, the 2nd respondent-Corporation is directed to consider and dispose of the petitioner's representations dated 29-3-2007 and 17-4-2007 duly recording reasons and communicate the decision to the petitioner within a period of one week. Only thereafter the auction shall be held pursuant to the notification dated 19-4-2007, if it is decided that the petitioner should not be granted renewal of lease. Any bids received pursuant to the auction notification dated 19-4-2007 shall be kept pending and shall not be opened or processed till the decision is communicated to the petitioner on his representations.

The writ petition is accordingly disposed of. There shall be no order as to costs.

GODA RAGHURAM, J

27-04-2007
GRR